

Which came first, the chicken or the egg? Who's on first? If the Lord is truly all powerful and can do anything, can He make a rock so heavy He can not lift it. These are familiar catch22s. They seem not to have an answer. I bring these up because in Michigan there is significant catch 22 within the current S.O.R. list. After 5 years a person who pleads or has been found guilty of a misdemeanor crime listed on the S.O.R. list, can return to court and have their conviction "set aside" and their record expunged. To the same court, and in fact, before the same Judge, that convicted them in the first place. If the sentencing Judge finds that this person is no longer a threat and releases their legal shackles, why should the State continue to punish and require them remain on the S.O.R. list. They do not even have a recourse of reopening there conviction for there is no record of a conviction. No paper work. Nothing in the courts record of a crime happening. The courts response is" How can we reopen a case for a further appeal if there is no conviction! There is nothing to appeal!"Then why does this person have to register for a crime that never happened.

The following is an all too true case of a good law gone awry.

Ralph comes from a proud family. His family has lived in the state for centuries, each generation serving their country in one war after the next. In this same proud tradition, Ralph signed up his senior year to serve in the United States Marine Corps. At 18, and just graduating high school, he attended a party thrown for him by his friends and classmates. Two of his female classmates were excited for him to meet their cousin, visiting from another city, and so they introduced her to him. She was described by them as 17, friendly and outgoing.

The two hit it off, and after the party they decided to go back to Ralph's house to watch a movie. Though he liked her, when she propositioned him to have sex with her he declined and decided to drive her back to her cousin's home. Furious with her being out so late and being dropped off by a boy, the young ladies aunt came to the conclusion she must have been assaulted. Even though a medical exam performed at a local hospital and a subsequent "rape kit" showed no sexual contact was evident, Ralph was still contacted by authorities—it was later determined that the girl and her cousins lied about her age and in fact she was 15.

Based on the circumstances, Ralph and his family decided to put their faith in the justice system and let it take its course, knowing he had done nothing wrong. Under the advise from his attorney, and not wanting to go through an embarrassing trial, for he and the girl, he pled to a misdemeanor offence of CSC in the 4th degree. His attorney stated he would get no more than 30 days in boot camp and the charge would "go away".

The military actually approached the court on Ralph's behalf but to no avail. The ruling kept him from entering the service. Not being able to find employment, and with the introduction of those on the list having to have a photo published, the family had to give up their son and move him to another state that does not require the registration of misdemeanor convictions. The family has been torn apart. Members not wanting to be associated with a "sex offender" have cut off all contact with was once a strong , nuclear family. Though Ralph was able to get a degree from a national trade school, he can not find a good position because of the registry. He is working for a third of what he could earn in his trade and living in a state with no family within hundreds of miles.

Five years after his plea he went back to the same court and in front of the same judge to have his conviction "set aside". This the judge did with no hesitation.

Over the last 17 years, Ralph's family has suffered the impact of nearly \$20,000.00 in legal fees, the loss of a son and the break up of an entire family. All this when the judgment had been "set aside". His parents have to endure being ridiculed that their son is a rapist for, for as we know, the public in general does not know the variations in the degree of the offenses. Still-they have faith in the system.

I think it is important to note two more important facts—

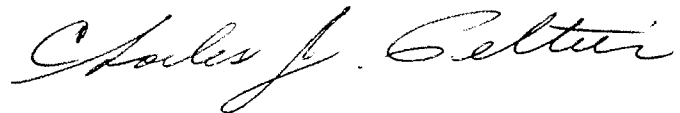
Ralph's plea was given BEFORE there was ever a mention of his being put on a sex offenders list. His plea was in March and the requirement for registering did not come into being until October. If he and his family knew about the pending list they would have surely gone to trial.

After they had the conviction set aside, they filed a motion to have the case reopened and reevaluated do to the inconsistent facts and were told they could not for no conviction existed. IF there is no conviction, then why the requirement to be on a list when no conviction exists? If forgiven by the court, should not the State do the same?

All of us realize the need for a "predator" list, but the current all encompassing law is akin to performing heart surgery using a machete rather than a scalpel.

I am speaking directly to C.S.C. convictions of the 4th degree that have been set aside and the record expunged.

Thank you,

A handwritten signature in cursive script, reading "Charles J. Bettini". The signature is written in black ink and is positioned below the typed name "Charles J. Bettini".